

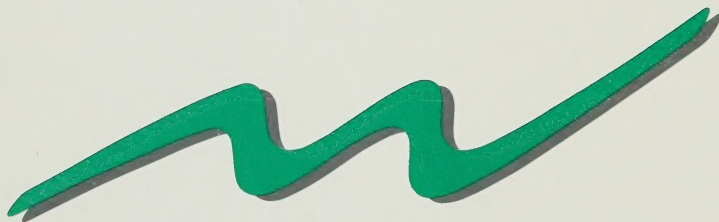


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Government
Publications

Your rights as a worker in Ontario



Ontario

Ontario
Women's
Directorate

Honourable Ian Scott
Attorney General and
Minister Responsible
for Women's Issues

Every worker in
Ontario has rights
and obligations
under the law.
This brochure
describes briefly
the laws you,
as a woman,
should know.

The Ontario Women's Directorate has developed this brochure in response to the many requests we have had from agencies and organizations requiring basic job information.



Index

Hiring Practices	1
Sexual Harassment	1
Terms and Conditions of Work	2
Health and Safety on the Job	5
Trade Unions	6
Office Locations of the Ontario Ministry of Labour	7

Hiring Practices

Can an employer refuse to hire me when I believe I have the qualifications?

Employers take many factors into consideration when they decide to hire or not to hire someone. An employer may not however, refuse to hire you because of your sex, marital status, religion, race, colour, the country you come from, your citizenship, ethnic origin, ancestry, record of offences, family status, handicap or age (if you are between 18 and 65). This is illegal under the Ontario Human Rights Code.

For more details, see *A Guide to the Human Rights Code* published by the Ontario Human Rights Commission.

If you think you have been refused a job for any of these reasons be sure to contact:

the Ontario Human Rights Commission, Ontario Ministry of Labour.

Sexual Harassment

What is sexual harassment?

Sexual harassment may be defined as any sexual comments or physical contact that a woman finds objectionable or offensive. When the harassment occurs at work, it can undermine her job performance, and thus threaten her economic livelihood.

The Ontario Human Rights Code prohibits harassment because of sex in the workplace, by a person's employer, agent of the employer, or by another employee. Sexual harassment by a landlord, agent of the landlord, or co-tenant is also prohibited. Here, the harassment consists of repeated acts which the harasser knows, or should know, are unwelcome.

A sexual advance made by a person who is in a position to grant or deny a benefit to another is prohibited, as is a reprisal against a person for rejecting the advance. Unwelcome advances from a supervisor to an employee, from a landlord to a tenant, or from a teacher to a student are examples of this type of behaviour.

What can I do about sexual harassment?

If you are being sexually harassed you should:

- Tell the harasser very clearly that this behaviour is not welcome.
- If the harasser is a co-worker or co-tenant, complain to the person who has authority over the harasser, preferably in writing, and ask that person to take steps to stop the harassment.
- If you are a member of a union, tell your union representative what happened.
- Keep written notes about what happened to you when the harassment occurred and what action you took.
- To make a formal complaint, contact the Ontario Human Rights Commission.
- For details, see the Ontario Human Rights Commission brochure, *Human Rights and Sexual Harassment*.

What is the minimum wage?

Most full and part-time workers must be paid a minimum of \$4.00 per hour. This is called the minimum wage.

Here are some exceptions:

Hourly rates as of March 1, 1985

persons serving liquor	\$3.50
construction workers	4.25
students under 18	3.15
trainees during first month of employment	3.90

How many hours a day can I be required to work?

The normal number of hours by law is eight hours per day or 48 hours a week. There are some exceptions. If you work in a retail store, for example, you can be required to work for 10 hours a day.

If you work more than 44 hours in a week you must be paid at least 1½ times your regular wage rate for each additional hour worked.

Each time you are paid you must receive from your employer a written statement showing the period of time for which wages are paid, the rate of wages and the total amount, a list of deductions, and the net amount being paid. For every five hours of work, you must be given a meal period of at least one half hour.

How many holidays do I have each year?

By law, you have seven holidays with pay: New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day. You are eligible for a paid holiday if you work for three months immediately before the holiday, 12 of the 28 days preceding the holiday, and on your regular day of employment before and after the holiday.

You are also entitled to two weeks' vacation with pay after you have worked for an employer for 12 months. If you leave your job before working a full year, you should receive an additional amount of money equal to 4% of your total salary for the time worked. This is called vacation pay.

Does the law say I must be paid for work days I miss when I am sick?

No. However, some companies have a "sick leave" plan. Ask your supervisor if your place of work has such a plan.

If I am doing the same job as a man, should I receive the same pay?

Yes. It is illegal to pay a woman less than a man or vice versa, for substantially the same work done in the same place of work. Similarly, the kinds of allowances or fringe benefits provided for employees must be equal for both men and women e.g. company pension plans.

For details, see the Ontario Women's Directorate brochure, *Ontario Labour Legislation of Interest to Working Women*, or contact: the Employment Standards Branch of the Ontario Ministry of Labour.

What is pregnancy leave and who is entitled to it?

If you have worked for an employer for 12 months and 11 weeks before the date your baby is to be born, you are entitled to an unpaid leave of absence of up to 17 weeks. This leave is called pregnancy leave. At the end of the 17 weeks you must be placed in the same, or comparable job at the same rate of pay.

For more information, see the Ontario Women's Directorate brochure *Pregnancy Leave in Ontario* (available in several languages), or contact the Employment Standards Branch of the Ontario Ministry of Labour.

During your pregnancy leave you may be eligible to receive Unemployment Insurance benefits. To find out if you qualify, contact your nearest Canada Employment Centre.

Are there any laws that protect me from being fired?

No. The law only states that you must be given written notice or pay in lieu of notice if you have been employed for at least three months. The amount of notice is related to the length of employment:

- if you have worked less than two years, you must be given one week's notice;
- two to five years, two weeks' notice;
- five to 10 years, four weeks' notice;
- 10 years or more, eight weeks' notice.

For more information, contact the Employment Standards Branch of the Ontario Ministry of Labour.

If you believe you were fired because you are a woman, or because of your marital status, religion, race, colour, the country you come from, your citizenship, ancestry, ethnic origin, record of offences, family status, handicap, or age, contact the Ontario Human Rights Commission.

If you belong to a union, and feel that you have been fired without just cause, you may ask the union to investigate the situation.

I am a domestic worker. Do all these laws protect me too?

If you work more than 24 hours a week for one employer, you are entitled to:

- minimum wages of \$32 per day, \$176 per week, \$757 per month, or \$4 per hour (employers may deduct up to \$55 per week from a domestic employee's wages for room and board);
- free time for 36 consecutive hours per week without deduction from wages, if you are a domestic worker who lives in your employer's home;
- If work is performed during this free time you must be given:
 - i) the equivalent amount of time off which must be added to one of your next duty free time periods, or;
 - ii) additional payment at not less than \$4 an hour for the duration of the time worked.
- You are also entitled to two weeks' vacation with pay each year, and seven paid statutory holidays.

Domestic workers include housekeepers, cooks, and nannies. These provisions do not apply to babysitters, to companions of sick or elderly people, or to domestic employees who work 24 hours a week or less for one employer.

All categories of domestic workers, however, continue to be protected for pregnancy leave, equal pay for equal work, termination of employment and collection of wages.

For more information contact the Employment Standards Branch of the Ontario Ministry of Labour.

Are there any regulations in Ontario that protect the health and safety of workers?

Yes. These regulations are included in The Occupational Health and Safety Act.

Are there any health and safety laws that specifically protect women workers?

No. Health and safety laws apply equally to men and women.

Can I refuse to work when I think it is dangerous?

Yes, provided you follow the procedures outlined in The Occupational Health and Safety Act.

You can obtain a copy of this act at your place of work, from your union representative, or by calling the Standards and Programs Branch of the Occupational Health and Safety Division in Toronto, at (416) 965-8710, or your nearest district office of the Ministry of Labour.

What is a trade union?

A trade union is an organization of employees that negotiates agreements with employers on issues such as working conditions and rates of pay. Most trade unions have had their status officially recognized by the Ontario Labour Relations Board.

The agreement the union arranges with the employer is known as the collective agreement. The trade union works to protect the rights of the workers under the agreement and the Labour Relations Act. If you have a complaint or believe you have been treated unjustly, you should contact your union.

Who can join a trade union?

Every employee has the right to join a union in those industries covered by the Labour Relations Act or other similar special legislation. Domestic and agricultural workers are not covered.

Do I have to join a union?

Your membership in a union depends on the collective agreement at your work place. When you start your job, find out whether or not there is a union and what its membership requirements are.

If you believe that you have been fired or discriminated against because you joined or tried to organize a union, you should contact the Ontario Labour Relations Board, 4th Floor, 400 University Ave., Toronto, Ont. M7A 1T7. Tel. (416) 965-4151.

All the offices that are named in this brochure are branches of the Ontario Ministry of Labour. The Ministry has district offices in the following cities:

	Area Code	Human Rights	Employment Standards	Occupational Health & Safety
HAMILTON 119 King St. W., L8N 3Z9	416	527-7736	527-7736	527-7736
KENORA 808 Robertson St., P9N 1X9	807	468-3128	468-3128	468-3128
KINGSTON 1055 Princess St., K7L 1H3	613	547-3414	547-3414	547-3414
KITCHENER 824 King St. W., N2G 1G1	519	744-8101	744-8101	744-8101
LONDON 205 Oxford St. E., N6A 5G6	519	439-3231	439-3231	439-3231
MISSISSAUGA 2 Robert Speck Pkwy., L4Z 1H8	416	273-7811	273-7800	273-7800
OTTAWA 2197 Riverside Dr., K1H 7X3	613	523-7530	523-7530	523-7530
SAULT STE. MARIE 390 Bay St., P6A 1X2	705	949-3331	949-3331	949-3331
ST. CATHARINES 205 King St., L2R 3J5	416	682-7261	682-7261	682-7261
SCARBOROUGH 2500 Lawrence Ave. E., M1P 2R7	416	750-3575	750-3575	750-3575
SUDBURY 199 Larch St., P3E 5P9	705	675-4455	675-4455	675-4455
THUNDER BAY 435 James St. S., P7E 6E3	807	475-1691	475-1691	475-1691
TIMMINS 273 3rd Ave., P4N 1E2	705	267-6231	267-6231	267-6231
TORONTO 400 University Ave., M7A 1T7	416	965-6841	965-5251	965-3610
WINDSOR 500 Ouellette Ave., N9A 1B3	519	256-8278	256-8278	256-8278



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Thunder Bay, Ontario
P7E 6E3
(807) 475-1691